

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
OF THE CITY OF LA MIRADA**

October 20, 2016

CALL TO ORDER

The meeting of the Planning Commission was called to order by Chairman Keith Chung at 6:30 p.m. in the City Council Chambers at City Hall, 13700 La Mirada Boulevard, La Mirada, California.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present:

Chairman Keith Chung
Vice Chairman Scott Anderson
Commissioner Changhai Ahn
Commissioner John Lewis
Commissioner Lee Olsen

Staff:

Gabriel Bautista, City Planner
Eric Garcia, Associate Planner
D. Craig Fox, City Attorney
Chantel Choice, Planning Technician
Norma Stein, Secretary

APPROVAL OF MINUTES

1. MINUTES OF THE REGULAR MEETING OF SEPTEMBER 15, 2016

Commissioner Olsen moved and Commissioner Ahn seconded to approve the minutes of the September 15, 2016 Planning Commission meeting.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Chairman Chung, Commissioner Ahn, Commissioner Lewis,
Commissioner Olsen

NOES: None

ABSENT: None

ABSTAIN: Vice Chairman Anderson

PUBLIC HEARING

2. GENERAL PLAN AMENDMENT NO. 2016-01, PLANNED UNIT DEVELOPMENT NO. 56, CERTIFICATE OF COMPATIBILITY NO. 57 AND THE ASSOCIATED MITIGATED NEGATIVE DECLARATION

Associate Planner Eric Garcia provided a comprehensive review of the staff report via a PowerPoint presentation. Mr. Garcia stated that the Planning Commission will be considering a General Plan Amendment, Planned Unit Development, Certificate of Compatibility and the associated Mitigated Negative Declaration for the construction of a 28-unit residential apartment complex. He also stated that the project site does not currently have an address therefore it is being referenced as Assessor's Parcel No. 8040-006-046.

Mr. Garcia stated that the currently vacant property is located on the east side of La Mirada Boulevard south of Leffingwell Road and north of Chalco Street. He reviewed the current zoning and land use designation for the subject site and surrounding properties. He stated that the surrounding uses consist of single-family residences to the north, south, east and west and that beyond the single-family residence to the north there is an office building and commercial center and that further to the northeast there is an apartment complex.

Mr. Garcia discussed the Housing Element and stated that it is one of the seven mandated elements of the General Plan which is required to address the existing and projected housing needs of all economic segments of the community. He also stated that in February of 2014, the City Council adopted the updated Housing Element in accordance with the state law. He added that as part of the Housing Element update, a comprehensive survey was undertaken to identify specific areas that could accommodate new residential or mixed-use development and that a total of nine areas were identified and subsequently rezoned to include a Special Housing Overlay (SHO) District designation. Mr. Garcia explained that the SHO designation allows for mixed-use and/or higher density residential development and that the subject site is located within "Infill Area 3" which permits a development density of 40 dwelling units per acre.

Mr. Garcia further stated that although the Housing Element update and Special Housing Overlay is in place to allow for the increased density, the General Plan land use designation has not been revised to allow for the higher density, therefore, as part of the entitlements to approve the design, location, massing, and site improvements for the proposed project, the Applicant is also requesting an amendment to the General Plan Land Use Designation from Commercial to High Density Residential.

Mr. Garcia mentioned that the subject site is currently developed as a parking lot which served as the over-flow parking area for the Granada Heights Friends Church located south of the subject site at 11818 La Mirada Boulevard. He stated that the parking was accessible from La Mirada Boulevard and Chalco Street.

Mr. Garcia provided a detailed review of the applicant's project by discussing the proposed layout of the overall site; current and proposed vehicle access; proposed site amenities and features; landscaping; and measure taken to protect the privacy of adjacent properties. Mr. Garcia also reviewed the exterior design of the podium style 28-unit residential apartment complex with tuck-under parking on the ground floor and two floors of living area above. In discussing the overall site layout, Mr. Garcia stated

that staff is recommending that the parking stalls be standard size.

Mr. Garcia introduced Phil Martin of Phil Martin and Associates Environment Planning.

Mr. Martin summarized his analysis of the potential environmental impacts that may result from the project pursuant to the California Environmental Quality Act guidelines and reviewed the areas of potential impact that require mitigation measures. Mr. Martin also stated that the project would not have any impacts to air quality or traffic based upon the size of the development.

Mr. Garcia reviewed the proposed development standards, staff's analysis, required findings and concluded by recommending that the Planning Commission conduct a public hearing, consider all public testimony regarding the proposed General Plan Amendment, Planned Unit Development and Certificates of Compatibility, affirm the findings of the Mitigated Negative Declaration and adopt the updated Resolution No. P-06-16 recommending that the City Council amend the existing General Plan Land Use from Commercial to High Density Residential; amend the zoning to Planned Unit Development (PUD) Number 56; and approve the Certificate of Compatibility for the construction of a 28-unit residential apartment building on the east side of La Mirada Boulevard south of Leffingwell Road in the City of La Mirada. (Assessor's Parcel No. 8040-006-046)

Chairman Chung thanked staff and the environmental consultant for the presentation of the staff report, opened the public hearing and asked if anyone wished to speak in support of the matter.

Mr. Brad Porter of WestCal Property Group, Inc thanked the commission for the opportunity. He stated they have been working on the project for about a year and a half. Mr. Porter thanked Mr. Garcia for all his work regarding the project and stated that while they agree with a majority of the conditions, he did have some unresolved issues that he wanted to bring to staff and the commission's attention. He stated they have spent significant time working on the project and meeting with the neighbors.

Mr. Porter provided a binder to the commission to help present three of the issues regarding the project. Mr. Porter explained that the first concern involved parking/guest parking and their size, the second concern is the addition of conditions to satisfy the neighbors and the third concern is clarification to the conditions of approval.

Mr. Porter stated that he disagrees with Condition of Approval number four requiring that all required resident and guest parking stalls shall be standard size stalls in compliance with La Mirada Municipal Code (LMMC) Chapter 21.68. Mr. Porter stated that they disagree with staff on this because staff will not approve the use of compact parking as noted in Section 21.68.110 of the La Mirada Municipal Code. Mr. Porter stated that they saw this section when they first planned the project and that given the odd shape of the parcel, the location of columns to support the building, and required clearances from the columns, compact parking was incorporated into the design. He

added that the size of the compact parking being proposed is larger than the size noted in the city code. He added that as a landlord they can control who they lease to and the types of cars they drive and that half of the one bedroom units will only be provided with one standard parking stall so if the prospective tenant has two cars they will not be allowed to rent. He added that the units with one standard stall and one compact stall would only be rented to tenants with one standard vehicle and one compact vehicle. He stated that this is part of their master parking plan. He continued by stating that cars have gotten smaller. Mr. Porter requested that they be given some consideration on the use of compact parking that they are not requesting a variance but they would like to know why LMMC Section 21.68.110 would not apply in their case.

Mr. Porter reviewed their outreach efforts which included both group and individual project meetings and that based on the concerns expressed by residents, they agreed to revised the proposed north elevation of the building to include landscaping and changes to the number, placement and size of windows to preserve the privacy of the property located at 11606 La Mirada Boulevard. He also mentioned that they would prohibit window air conditioning units and that they would provide window treatments to control aesthetics.

Mr. Porter stated that they also met with Chalco Street residents whom were provided copies of the landscape plans and were allowed to comment on the plan and tree species in their efforts to be a good neighbor. Mr. Porter added that further discussions with the Chalco Street residents resulted in the following requests: installation of a guard rail on top of the retaining wall that will built adjacent to the guest parking area; installation of a fence along La Mirada Boulevard; inclusion of language within every lease agreement prohibiting guest parking on Chalco Street; addition of more landscaping and trees; and the addition of a Plexiglas topper on top of the open patio area's stucco wall.

Mr. Porter reviewed his requested changes to certain conditions of approval. On condition number one, Mr. Porter requested that the condition be amended to allow modifications to the north elevation without having to obtain Planning commission approval. On condition number four, Mr. Porter requested that they be allowed to provide compact parking stalls. On condition number 11, Mr. Porter requested that they be allowed to provide a break in the median and a deceleration lane for left turns into the project from south bound La Mirada Boulevard. On condition number 13, he requested clarification on language stating that the project may be subject to additional conditions after approval. On condition number 17, he requested that staff's authority to approve the final design, size and location of windows be limited to the north elevation only. On condition number 18, he requested clarification on the prohibition of shade structures. On condition number 36, he asked that a large bulldozer be defined and that clarification be provided on the distance for operation of large equipment.

Mr. Porter conclude by thanking the commission for the opportunity to present the project. He stated that he feels the project fits the special Housing Overlay without maximizing things and that the project would be an asset to the City of La Mirada.

Resident Carol Leach addressed the commission and stated that the subject site has been vacant or a parking lot since she's lived in La Mirada. She stated they will miss the open land and that they would rather see it as a park than an apartment building. She expressed her concerns with the number of parking spaces and the possibility of future residents or their guests parking on Chalco Street. She also requested that a fence along La Mirada Boulevard to Weeks Drive be provided to discourage street parking on Chalco Street. Ms. Leach concluded by providing a letter with her concerns.

Chairman Chung asked if anyone else wished to address the commission on the item.

No one spoke.

City Attorney D. Craig Fox requested a 10 minute break to allow staff to discuss all of the Applicants requested changes.

Chairman Chung left the public hearing open and called for a 10 minute break.

At the conclusion of the break Chairman Chung called the meeting back to order and asked if anyone wished to speak against the matter.

No one spoke.

City Attorney D. Craig Fox addressed Chairman Chung and requested that the public hearing remain open. He also stated that City Planner Gabriel Bautista will respond to the questions asked by the applicant.

Mr. Bautista responded to the applicant's concerns and stated that in regard to the concern for the changes to the elevations, Mr. Bautista stated that a condition is in place that allows staff to make minor modification to project upon submittal of final plans but that any major changes would need to be presented to the Planning Commission. In regard to changes to the windows, a condition exist that gives staff the authority to review the final design, size and location of windows. He added that staff will work with the applicant on these changes and that while staff is primarily concerned with the northern elevation, staff will review the windows on all four elevations and if they are in substantial compliance with the plans before the commission they will be approved. In regard to the applicant request for clarification on what will constitute a small bulldozer, Mr. Bautista stated that a small bulldozer would need to be no more than 350 horse power and that the 25 foot distance for operation of heavy equipment would be measured from adjacent structures. Mr. Bautista stated that in regard to the applicants requested modifications to fence height and other items, those are new items that have not been brought to staff attention and that staff had not had time to confirm compliance with the code or if variances would be warranted, therefore Mr. Bautista stated that it would not be appropriate to try and make a recommendation at the present time.

Mr. Bautista stated that in regard to compact space requirement, the last two residential project that have been proposed included standard parking spaces. Staff has not had

any recent projects where the developer has been allowed to provide compact parking in garages as way of complying with the required residential unit parking. He added that past practices have permitted the use of compact parking stalls for guest parking when the guest parking requirement exceeds 20 stalls or when the compact stalls are in excess of the required number of guest parking stalls. Mr. Bautista added that staff will continue to apply the code as it has on the most current multi-family residential projects by requiring standard parking stalls for all the parking stalls required for the residential units. Mr. Bautista stated that the traffic consultant will address the request for a break in the center median and that this hearing was not the time or place to consider a break in the median without the City Engineer being present.

Mr. Keith Rutherford of Stantec Consulting Services, Inc. (Traffic Consultant) explained that they evaluated the project with the proposed right-in and right-out access. He explained that medians are designed to channelize through volumes and eliminate conflicting vehicle movements on major arterials like La Mirada Boulevard. He added that the traffic volumes at the proposed driveway are too small to warrant a median break and that every median break creates a potential point of conflict and that when the subject site functioned as a parking lot, it operated with a similar driveway onto La Mirada Boulevard and a now canceled driveway onto Chalco Street which lead to left turns onto south bound La Mirada Boulevard. The elimination of the Chalco Street driveway was to try and reduce traffic impacts on Chalco and that the current Chalco Street traffic volumes will not change. Instead of making left turns to leave and access the site from Chalco Street, access to and from the site will require u-turns. Mr. Rutherford concluded by recommending that a median break not be installed to serve the project and that the projected number of trips to the site is less than 12 inbound trips during both the am and pm peak hour and if half of those trips head north or south, it would result in only 12 u-turns at most during the peak time. He added that it would not be in the interest of safety, to add another conflict point in the form of median break, if it was not warranted by the traffic volumes needing access to the project site.

Mr. Bautista stated Mr. D. Craig Fox, City Attorney, would respond to applicant's concerns over condition no. 13 which would allow the imposition of additional condition after approval of the project.

Mr. Fox stated that condition no. 13 is intended to allow the city to do what the code already allows, which is to bring the project back for review if unexpected public health and safety issues, such as police, noise and other similar issues arise as a result of the project. This review would require a public hearing to impose applicable conditions and it would not be done without due process.

Mr. Fox also stated that he recommends that staff ask the applicant to submit their requested project modifications for consideration and also submit requested revision to staff's conditions for staff to review and recommend to the Planning Commission rather than trying to do it at this time without proper analysis of each requested change. With that Mr. fox advised the commission that staff will be recommending that the public hearing remain open and the matter continued.

Mr. Bautista stated that staff recommends that the applicant provide staff with the requested modifications to the conditions of approval so that staff can analyze and come back to the Planning Commission at a future meeting with a recommendation, unless the applicant is willing to move forward with the project as proposed and conditioned.

Chairman Chung asked the applicant what type of construction and material is being used for the parking structure.

Mr. Porter responded and stated that it is a concrete podium structure with wood framing above.

Chairman Chung also asked how the residents of the project would exit to La Mirada Boulevard. He had concerns in case of an emergency on how the future residents would exit to the street.

Mr. Porter responded and stated that access to the street can be obtained through the lobby that goes out to La Mirada Boulevard. He added that the other two stair cases are for emergency exit and that ingress and egress to La Mirada Boulevard will occur through the lobby and elevator.

Chairman Chung asked if the lobby was the only exit in case of emergency.

Mr. Porter responded and stated that there were two other stairwells with walkway leading to La Mirada Boulevard.

Chairman Chung asked if those were legal exits.

Mr. Porter responded and stated yes.

Chairman Chung asked where residents would go if they exited the building using the stairs on the northeast side.

Mr. Porter responded and stated that residents will be able to exit onto the street by walking along the 10 setback area that runs along the north property line or by walking along the landscapes terrace area along the south side of the building.

Commissioner Olsen expressed concern for the lack of parking designated for staff and maintenance personnel.

Mr. Bautista responded and stated that the code was being applied as written and that there were no provisions in the code for staff and maintenance vehicle parking, therefore these individuals will need to utilize the guest parking.

Mr. Porter mentioned that there will be a full time resident manager on the premises so there is no need to provide additional parking for office staff. He added that since

maintenance personnel cannot park on La Mirada Boulevard they will utilize guest parking and the trash truck circulation area for parking when on site.

Mr. Porter expressed that he would like to respond to staffs parking comments and stated that he could not understand why they cannot utilize compact parking based on the language in the code.

Commissioner Lewis responded and stated that the commission was not going to respond on the fly and that since the question involved the code that maybe the City Attorney could respond.

Mr. Fox expressed that it's possible the applicant is reading the code requirement for compact parking as mandatory when it in fact discretionary. Mr. Fox added that if the subject site was not within an overlay area, the PUD could not be considered because the site is under the required acre for a PUD and that therefore an accommodation has already been made for the applicant which should be kept in mind.

Commissioner Lewis recommended that staff consider allowing permit parking on Chalco for residents as a means of having enforceable parking restrictions instead of only having physical barriers.

Mr. Bautista responded and stated that the existing permit parking districts located in the city were created at the request of the residents, which is an option for Chalco Street residents if parking becomes a problem. Mr. Bautista added that, if the applicant wishes, staff is open to adding a condition whereby all unit leases include language strongly discouraging parking on Chalco Street.

Chairman Chung asked for a motion on the matter.

Commissioner Olsen moved and Commissioner Lewis seconded to continue the public hearing for General Plan Amendment No. 2016-01, Planned Unit Development No. 56, Certificate of Compatibility No. 57 and the associated Mitigated Negative Declaration for the construction of a 28-unit residential apartment building on a property identified as Assessor's Parcel No. 8040-006-046 to the next Planning Commission meeting scheduled for November 17, 2016.

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Chairman Chung, Vice Chairman Anderson, Commissioner Ahn,
Commissioner Lewis, Commissioner Olsen
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC COMMENT PERIOD

No one spoke

COMMISSION ANNOUNCEMENTS

No one spoke

STAFF ANNOUNCEMENTS

Mr. Bautista provided a brief update on the status of various projects.

ADJOURNMENT

Meeting adjourned at 8:03 p.m. to the next regular meeting to be held on Thursday, October 20, 2016.

ATTEST:



Norma Stein, Secretary



Keith Chung, Chairman